

CLERK US DISTRICT COURT
NORTHERN DIST. OF TX
FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

2009 DEC 30 PM 2: 58

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ERIC DEWAYNE HODGE,

Petitioner,

v.

RICK THALER,
Director, Texas Dep't of Criminal Justice,
Correctional Institutions Division,

Respondent.

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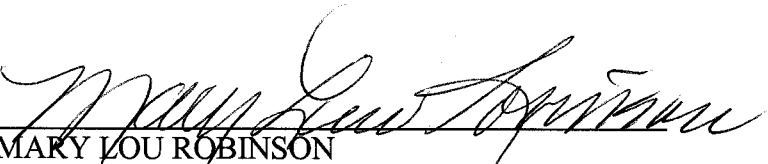
**ORDER OVERRULING OBJECTIONS, ADOPTING REPORT AND
RECOMMENDATION, GRANTING MOTION TO DISMISS AS MOOT,
and DISMISSING PETITION FOR A WRIT OF HABEAS CORPUS**

Petitioner has filed with this Court a petition for a writ of habeas corpus challenging a prison disciplinary case. On October 6, 2009, respondent filed a Motion to Dismiss as Moot, advising the Court that all good time credits revoked as a result of the disciplinary proceeding had been restored. On December 11, 2009, the United States Magistrate Judge issued a Report and Recommendation in this cause, recommending therein that the petition for a writ of habeas corpus be dismissed as petitioner ultimately did not lose any previously accrued good time credits as a result of the disciplinary case being challenged. On December 28, 2009, petitioner filed objections to the Report and Recommendation arguing that even though he did not lose previously accrued good time credits as a result of the challenged disciplinary proceeding, his petition should not be dismissed because he still suffers from a reduced line class and an increased custody level, which ultimately increases the amount of time he will spend in prison.

The undersigned United States District Judge has made an independent examination of the record in this case. Petitioner's objections are without merit and are hereby OVERRULED. The Magistrate Judge's Report and Recommendation is ADOPTED. Respondent's Motion to Dismiss as Moot is GRANTED. Accordingly, the petition for a writ of habeas corpus filed by petitioner is DISMISSED.

IT IS SO ORDERED.

ENTERED this 30th day of December 2009.


MARY LOU ROBINSON
UNITED STATES DISTRICT JUDGE